

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WAYNE BAKER,

Plaintiff,

-against-

**NOTICE OF SUGGESTION
OF DEATH UPON THE
RECORD UNDER RULE 25(a)(1)**

08 Civ. 561 (SCR)

CITY OF NEW ROCHELLE;
STATE OF NEW YORK;
POLICE OFFICER MORETTI, individually;
CAPTAIN "JOHN DOE", individually of New
Rochelle City Police;
SAFEWAY TOWING AND COLLISION, CITY OF
NEW ROCHELLE, TOWING COMPANY,

Defendants.
-----X

Defendant, CITY OF NEW ROCHELLE, suggests upon the record, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, the death of the Plaintiff, Wayne Baker, during the pendency of this action.

DATED: New Rochelle, New York
July 21, 2010

OFFICE OF THE CORPORATION COUNSEL

By: 

BRIAN J. POWERS (BP-1992)

Attorneys for Defendants

CITY OF NEW ROCHELLE and
POLICE OFFICER DINA MORETTI
515 North Avenue
New Rochelle, New York 10801
(914) 654-2120

TO:

SCHWARTZAPFEL TRUHOWSKY & MARCUS, P.C.
Attorneys for Estate of Wayne Baker
300 Jericho Quadrangle, Suite 180
Jericho, New York 11753
(516) 342-2200

TIFFANY BAKER

Administratrix of the Estate of Wayne Baker
10 North Fulton Avenue, Apt. 2B
Mount Vernon, New York 10550

SOBEL & KELLY, P.C.

Attorneys for Defendant
SAFEWAY TOWING AND COLLISION
464 New York Avenue, Suite 100
Huntington, New York 11743
(631) 549-4677

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
COUNTY OF WESTCHESTER

LYDIA HAPPEL, being duly sworn, deposes and says that deponent is a secretary in the OFFICE OF THE CORPORATION COUNSEL, attorneys for one of the parties herein: is over 18 years of age; is not a party to the action. That deponent served the within

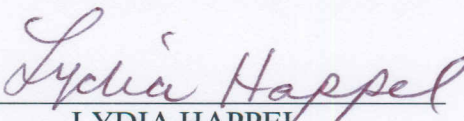
NOTICE OF SUGGESTION OF DEATH UPON THE RECORD UNDER RULE 25(a)(1)

on July 21, 2010 upon the below named attorneys for the listed parties, by depositing a true copy of the same securely enclosed in a postpaid wrapper in the Letter Box maintained and exclusively controlled by the United States Postal Service at 515 North Avenue, New Rochelle, New York 10801; directed to the said attorney(s) at the address indicated below; that being the address within the state designated by said attorney(s) for that purpose, or the place where said attorney(s) for that purpose, or the place where said attorney(s) then kept an office, between which places there then was and now is a regular communicated by mail as follows:

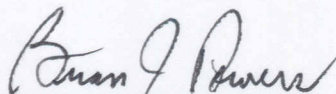
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LYDIA HAPPEL

Sworn to before me this
21st day of July, 2010


NOTARY PUBLIC

Brian J. Powers
Notary Public, State of New York
No. 01PO4620721
Qualified in Westchester County
Term expires 5/31/2011